

Date: 05-02-14 Judge: LIAM O'GRADY  
 Time: 2:09 To 3:39  
3:50 To 4:13

Reporter: N. Linnell

UNITED STATES of AMERICA

vs.

DENNIS OWEN COLLINS - 001 (Appearance waived)

1:13CR00383

JEREMY LEROY HELLER - 002 (Present today)

Case Number

ZHIWEI CHEN - 003 (Present today)

JOSHUA S. PHY - 004 (Present today)

RYAN RUSSELL GUBELE -005 (Appearance waived)

ROBERT AUDUBON WHITFIELD -006 (Present today)

ANTHONY TADROS - 007 (Appearance waived)

GEOFFREY KENNETH COMMANDER -008 (Appearance waived)

PHILLIP GARRETT SIMPSON - 009 (Appearance waived)

AUSTEN L. STAMM - 010 (Appearance waived)

TIMOTHY ROBERT MCCLAIN - 011 (Appearance waived)

WADE CARL WILLIAMS - 012 (Appearance waived)

THOMAS J. BELL -013 (Appearance waived)

Defendant's Name

John Kiyonaga with Andrew Devlin (Defendant Collins)

Alexander Nguyen and Richard Green

William Todd Watson and Jonathan Jacobs (Defendant Heller)

Counsel for Government

Marina Medvin (Defendant Chen)

John Iweanoge (Defendant Phy)

James Hundley (Defendant Gubele)

Elita Amato (Defendant Whitfield)

William Loeffler - NOT PRESENT (Defendant Tadros)

Drew Hutcheson (Defendant Commander)

Gregory English (Defendant Simpson)

Patrick Anderson and Jessica Carmichael (Defendant Stamm)

Gretchen Taylor (Defendant McClain)

Gary H. Smith (Defendant Williams)

John Machado (Defendant Bell)

Counsel for Defendants

The following motions were heard:

Defendant Collins motions: [151] Motion to Dismiss Indictment – denied.

[153] Motion to Suppress – to be heard on 06/13/14

[163] Motion for Leave to file additional motions – granted

[164] Motion to Adopt – granted.

[166] Motion for Discovery – deferred for later ruling at trial

[208] Second Motion to Adopt – granted.

Defendant Heller's motions: [173] Motion to Adopt – granted.

[174] Motion for Leave to file additional motions – granted

[175] Motion to Dismiss Indictment for Improper Venue – argued and denied. The court finds venue is appropriate.

[231] Amended Motion to Adopt – granted.

Defendant, Jeremy Heller's, Motion to Suppress [172] - the government adduced evidence and called one witness, Special Agent Michael Nail. Hearing continued until a later date to allow the government time to investigate whether another agent had taken notes during interview of defendant.

**Re: 1:13CR383**

**Motions hearing on 05/02/14**

**Page 2**

Defendant Chen's motions: [152] Motion to Adopt – granted.  
[154] Motion to Suppress – to be heard on 06/20/14  
[203] Amended Motion to Adopt – granted.

Defendant Phy's motions: [177] Motion to Dismiss for Lack of Jurisdiction – denied  
[178] Motion to Dismiss Indictment as the Statute is Vague – denied  
[179] Motion to Suppress – to be heard on 06/13/14  
[180] Motion to Suppress Evidence Seized Pursuant to an Invalid Search Warrant: to be heard on 06/13/14  
[181] Motion to Adopt and Conform to Co-Defendants Motions – granted.

Defendant Gubele's motions: [168] Motion to Adopt Co-Defendants' Motions – granted.  
[197] Motion to Adopt Motion to Dismiss for Improper Venue – granted

Defendant Whitfield's motions: [165] Motion to Suppress Statements – to be heard on 06/19/14  
[170] Motion to Suppress Evidence Recovered from Residential Search – to be heard on 06/19/14  
[171] Motion to Adopt, Join and Conform co-defendant – granted.

Defendant Tadros' motion: [169] Motion to Adopt – granted.

Defendant Commander's motions: [157] Motion to Suppress – to be heard on 05/30/14  
[158] Motion to Adopt and Conform Motions of Co-defendants – granted.  
[198] Amended Motion to Adopt and Conform Motions of Co-defendants – granted.

Defendant Simpson's motions: [136] Motion to Disclose PSR – denied  
[137] Motion trial procedures – granted to extent it allows defendants to deviate from the order of the indictment in the order of cross-examination at trial.  
[161] Motion to Adopt – granted.  
[176] Motion to Adopt – granted.

Defendant Stamm's motions: [148] Motion to Compel Discovery or in the Alternative Strike the Government's Damages Figures – dismissed without prejudice, to be revisited if necessary  
[149] Motion to Compel Discovery for Exculpatory Information – denied at this stage, to be revisited if necessary  
[150] Motion to Suppress – to be heard on 06/06/14  
[155] Motion to Adopt – granted.  
[201] Motion to Adopt (Amended) – granted.

Defendant McClain's motions: [142] Motion to Suppress Statements – to be heard on 05/30/14  
[143] Motion for James Hearing to determine admissibility of alleged co-conspirator statements – denied  
[144] Motion for additional peremptory challenges – deferred until trial  
[145] Motion for the use of courtroom technology – GRANTED.  
[146] Motion for leave to file additional motions – granted  
[147] Motion to Adopt and incorporate all co-defendants' motions – GRANTED.  
[204] Amended Motion to Adopt and incorporate co-defendants' motions – GRANTED.

Re: 1:13cr383

Motions hearing on 05/02/14

Page 3

Defendant Williams' motions: [167] Motion to Adopt – GRANTED.  
[219] Motion to Adopt – GRANTED.

Defendant Bell's motions: [182] Motion to Adopt – GRANTED.  
[194] Motion to Suppress Statements – to be heard on 06/13/14  
[220] Amended Motion to Adopt – GRANTED.

Order to follow.

Defendants continued on bond.